

APPROPRIATING MONEY TO PURCHASE LANDS FOR THE CLALLAM
TRIBE OF INDIANS IN THE STATE OF WASHINGTON, AND FOR
OTHER PURPOSES

FEBRUARY 12, 1925.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. HUDSON, from the Committee on Indian Affairs, submitted the
following

REPORT

[To accompany S. 1707]

The Committee on Indian Affairs, to whom was referred the bill (S. 1707) appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 1, line 5, strike out "600,000" and insert "400,000."

Page 2, line 3, strike out the word "and."

Page 2, line 5, strike out "3½" and insert "4."

Page 2, line 9, after the word "Interior" insert "*And provided further*, That the interest accumulated at the end of any fiscal year to the credit on the shares of any minor child may be disbursed, under the direction of the Secretary of the Interior, to the parent or parents or guardians of such minor child or children."

Page 2, line 9, after the word "That" strike out all down to and including the word "event" in line 10.

The report of the Senate Committee on Indian Affairs fully sets forth the facts regarding this bill and is attached hereto and made a part of this report.

[Senate Report No. 308, Sixty-eighth Congress, first session]

The facts relating to this bill, with the exception of the attorney's fee, are fully set forth in a letter from the Secretary of the Interior, dated January 26, 1924, which is appended hereto and made a part of this report. The draft of bill mentioned in the Secretary's letter, recommended as a substitute for S. 1707, is the draft herein recommended, amended so as to provide for \$15,000 attorney's fee, instead of \$25,000, and with the amount of \$600,000 inserted to fill the blank in the Secretary's proposed substitute.

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1924.

Hon. J. W. HARRELD,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR HARRELD: This will refer to your letter of January 4, 1924, submitting for report thereon a copy of S. 1707, to appropriate \$1,000,000 to purchase lands for the Clallam Indians in the State of Washington.

This department feels that the Clallam Indians have just claims against the Government but does not favor the enactment of the bill as written. There is inclosed, however, a draft of bill which it is recommended be substituted for S. 1707 and enacted.

The Clallam Indians were parties to the treaty of Point no Point dated January 26, 1855 (12 Stat. 933). By article 2 of the treaty the Skokomish Indian Reservation was established for the Indians, parties to the treaty, who were to remove thereto within a year, or sooner if the means for their removal were provided. The reservation was small compared with the number of Indians entitled to rights under the treaty, containing only 3,840 acres, there being 1,316 Indians entitled to rights under the provisions of the treaty. Had the Indians all removed to the reservation and the land been allotted to them they would have got less than 3 acres each.

The reservation was very near if not the exact territory occupied by the Skokomish Indians—also parties to the treaty—when the treaty was made. The Clallams claim that the Skokomish Indians were their traditional or hereditary enemies, and that they could not have lived in peace together, and accordingly refused to remove to the reservation.

There are now between 300 and 400 Indians, some of whom are in need of immediate assistance. A number of these Indians reside on a small tract of about 213 acres near Jamestown, Wash., which tract they themselves purchased about 40 years ago. They have always been loyal and peaceable, and it is the boast of the Clallam Indians "that they have never shed the blood of a white person." They have never received any land from the Government but have managed to get along by fishing, working in factories and mills, and doing farm work for the whites, and their income at best has been meager.

The following, relative to the Clallams, is taken from a report by a special investigating official of the Indian Service made in 1919, after a careful investigation of conditions among the various tribes of Indians of western Washington:

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"Much has been said and written about the Clallam Indians. Their condition enlists the sympathy of every investigating official who visits them.

"They claim that they understood at the time the treaty was made with them that they were promised a reservation at Jamestown, Clallam County, Wash., where their largest settlement still is. Instead, they were told to go to the Skokomish Reservation at the head of Hoods Canal. Compliance with this meant living with their hereditary enemies, the Skokomish Indians, and they refused. They have lived, therefore, for many decades without adequate homes, some purchasing small tracts of land at Jamestown and Port Gamble, but many of them living by sufferance only on lands owned by white men at Port Gamble, Port Ludlow, Port Williams, Pysht, Clallam Bay, Port Angeles, and other places along the Straits of Juan de Fuca, their ancient habitat.

"They refused the offer of allotments of lands on the Quinaielt Indian Reservation, coupled, as it was, with the requirement that they move to the lands and live on them. They could not live on them. They would starve to death. Very little of the Quinaielt Reservation is agricultural in character, and there is no work in the district at this time for the Clallam or other Indians to get. The Clallam should be provided with homes near the waters of the Straits of Juan de Fuca and Puget Sound, their ancient habitat, and near the large saw-mills and logging camps where they can obtain work. The officials of the lumber companies at Port Gamble, Port Ludlow, and Port Angeles told me that they found the Clallam Indians to be good workers in the mills and in the camps; and the lumber companies allow the Indians to live as squatters on lands belonging to the companies. These lands may be needed by the companies, however and then the Indians will be told to move on. Where can they go?"

With respect to the attorney's fee, it may be said that Mr. William B. Ritchie, an attorney of Port Angeles, Wash., has a contract with the tribe approved in accordance with existing law. The contract provides that the attorney shall receive as compensation for his services a sum not to exceed 10 per cent of the

amount recovered from the United States, but in no event shall such amount exceed the sum of \$25,000.

This contract was approved, however, with the view to obtaining an act by Congress which would permit of prosecuting the claim of the Indians through the Court of Claims, and possibly also through the United States Supreme Court; but as it has been deemed more expedient to give relief to the Clallams by direct appropriation, this department does not believe that the terms of the contract would be applicable or that the fee set out in the bill would be justifiable or should be allowed, especially as there will be nothing further for the attorney to do if the appropriation proposed is made. Should the draft of bill herein suggested be passed, this department could then take up with the attorney the matter of payment for services already rendered, which could, no doubt, be settled for a reasonable amount.

I feel that these Indians are entitled to some consideration at the hands of the Government, in view of the large area of territory they ceded to the United States by the treaty mentioned and as they have received no land under the treaty.

In view of the foregoing, it is hoped that the draft of bill herewith submitted will be substituted for S. 1707 and enacted at an early date.

Very truly yours,

HUBERT WORK.

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